

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Chaudry	Confirmation No.:	9356
Appl. No.:	10/657,550	Group Art Unit:	1616
Filed:	09/04/2003	Examiner:	James Henry Alstraum Acevedo
For:	FORMULATIONS AND METHODS FOR TREATING RHINOSINUSITIS		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated October 16, 2006, in which the Examiner has required restriction between Group I, namely Claims 1-44 and Group II, namely Claims 45-67. Applicant hereby provisionally elects with traverse to prosecute the claims of Group I (Claims 1-44), drawn to formulations comprising a steroidal anti-inflammatory. Applicant respectfully submits that the burden placed on the Applicant in having to file and prosecute separate applications for the inventions of Groups I and II outweighs the burden placed on the Examiner in searching the inventions of these groups together. Therefore, Applicant respectfully requests that the restriction requirement be withdrawn. In the event the restriction requirement is not withdrawn, Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

The Examiner also requested an election of species for examination purposes. With respect to elected Group I, the Applicant elects the following:

1. For a specific anti-inflammatory drug, Applicant elects fluticasone, readable on Claims 1-44;
2. For a specific anti-fungal agent, Applicant elects amphotericin-beta, readable on Claims 1-44;
3. For a specific excipient combination, Applicant elects the combination of microcrystalline cellulose, carboxymethyl cellulose sodium, dextrose, benzalkonium chloride, polysorbate 80 and phenylethyl alcohol, readable on Claims 1-44;
4. For a specific antibiotic, Applicant elects Doxycycline, readable on Claims 1-44; and
5. For a specific route of administration, Applicant elects intranasal administration, readable on Claims 1-44.

Appl No.: 10/657,550
Amdt. dated 02/13/2007
Reply to Restriction Requirement of

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Johnson, III". The signature is fluid and cursive, with a stylized "J" and "H".

John E. Johnson, III
Registration No. 58,367

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

LEGAL02/30257371v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 15, 2007.